

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: January 5, 2016

SUBJECT: BZA Case 19159 - Special Exceptions under § 223 and § 400.23 for a one-story addition to an existing single-family row dwelling at 650 F Street, NE.

I. OFFICE OF PLANNING RECOMMENDATION

Fowler-Architects on behalf of Edward and Jessica Long, request special exception review under § 223 for the lot occupancy (§ 403.1) and open court (§ 406.1) requirement and special exception review under § 400.23 for an increase in building height to allow the demolition of the two-story rear porch and the addition of one story with a roof terrace. Subsequent to the submission, the proposal was amended which resulted in the lowering of the building height.

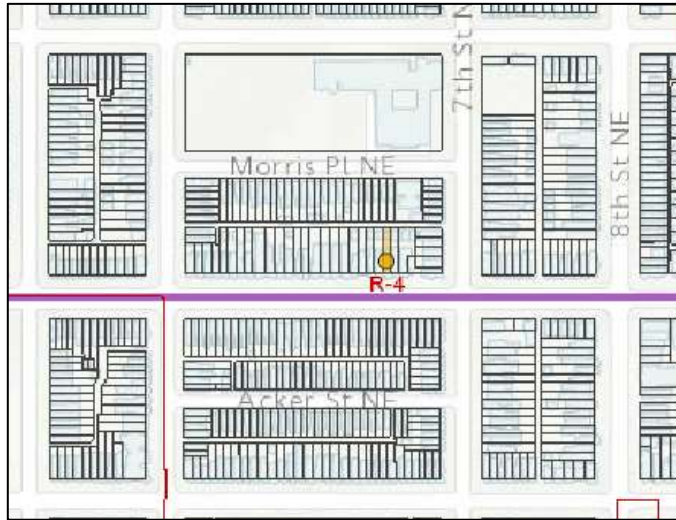
The Office of Planning (OP) recommends **approval** of the following:

- (A) Special exception pursuant to § 223:
- § 403.1 - Lot Occupancy (60% maximum allowed, 73.8 existing, 70% proposed);
 - § 406.1 - Open court (6 ft. minimum required, 3.5 ft. proposed); and
 - § 2001.3 - Expanding a nonconforming court and creating a nonconforming open court.
- (B) Special exception review from § 400.1 pursuant to § 400.23:
- §§ 400.1 and 400.23 - Building height (35 ft. maximum allowed or 40 feet by special exception; 29.33 ft. existing, 36.75 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	650 F Street, NE
Legal Description:	Square 860, Lot 7
Ward/ANC:	6/6C
Lot Characteristics:	Generally rectangular lot bounded by F Street, NE to the north, an improved fifteen foot (15 ft.) public alley to the south, and lots improved with row dwellings to the east and west.
Zoning:	R-4 – detached, attached, semi-detached, single-family dwellings and flats.
Historic District:	Not within a historic district.

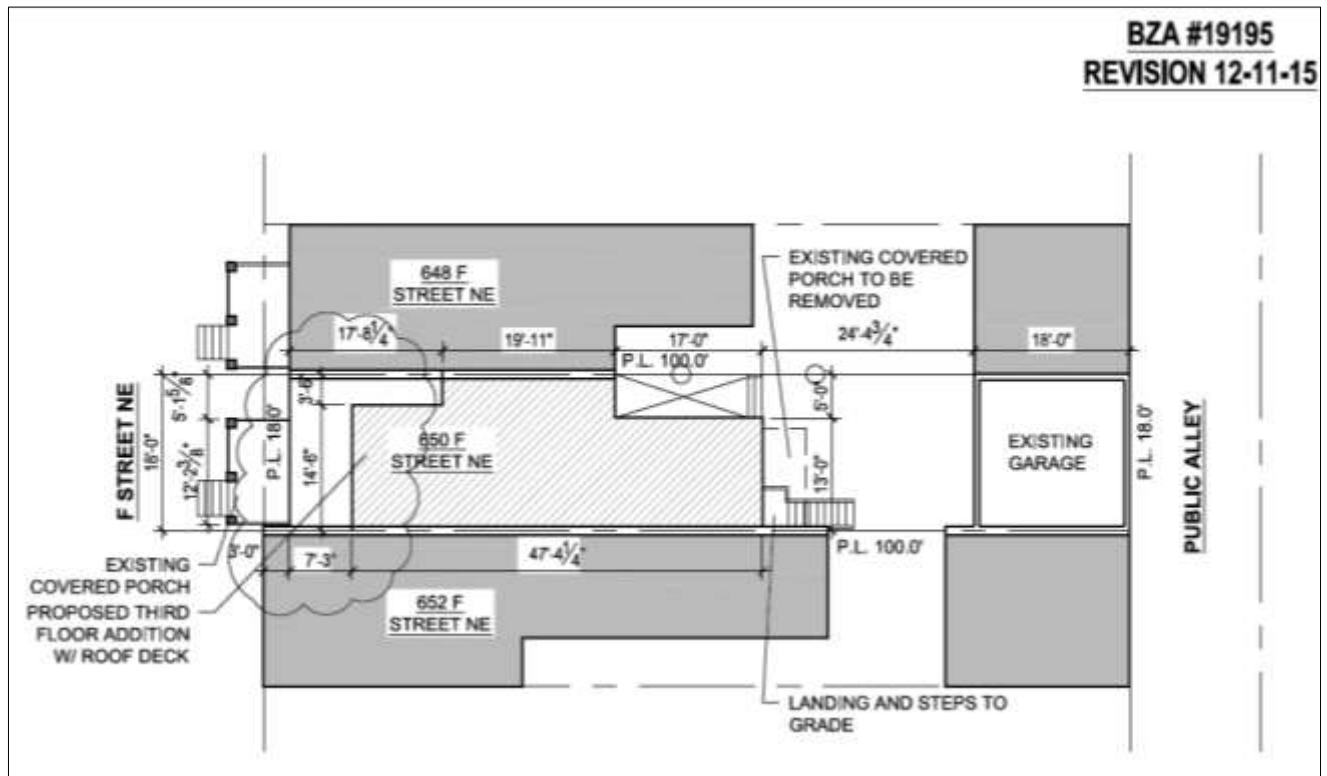
Existing Development:	Single-family row dwelling with a detached garage, permitted in this zone.
Adjacent Properties:	Predominantly row and semi-detached dwellings in the R-4 zone.



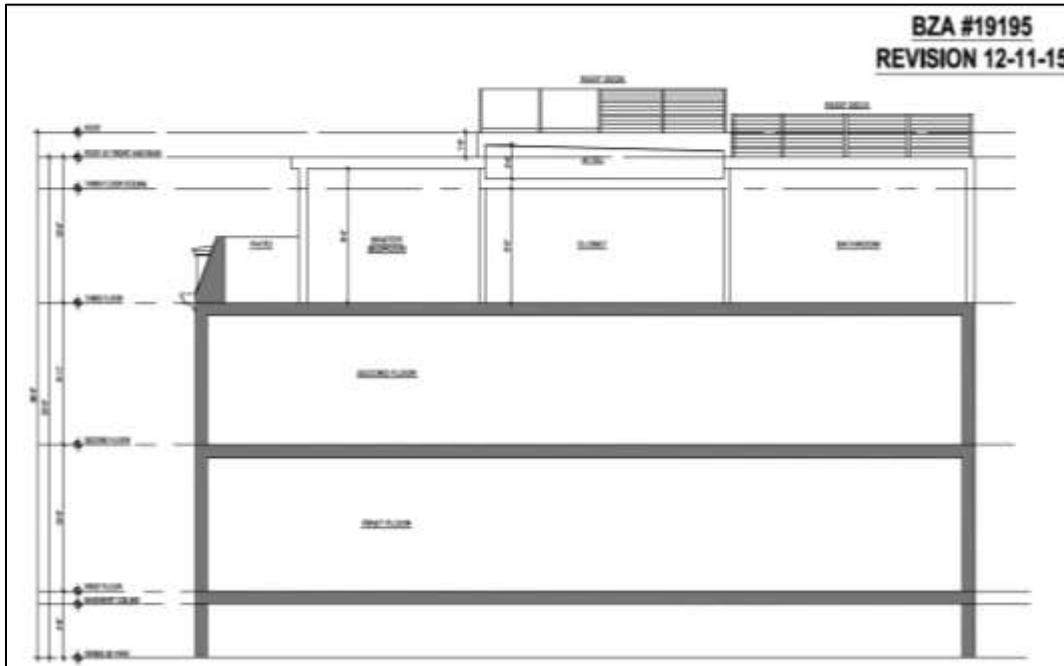
Site Location



Front and Rear of Bldg



Site Plan



Height of Addition

III. PROJECT DESCRIPTION IN BRIEF

The proposal is to demolish the two story rear addition and add a third floor with a roof terrace.

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400.23	35 ft. 40 ft. (SE)	29.41 ft.	36.75 ft.	1.75 ft.
Lot Width (ft.) § 401	18 ft. min.	18 ft.	No Change	None required
Lot Area (sq. ft.) § 401	1,800 sq. ft. min.	1,800 sq. ft.	No Change	None required
Lot Occupancy § 403	60% max. 70% (§ 223)	73.8%	70%	10%
Rear Yard (ft.) § 404	20 ft. min.	19.41ft.	24.41 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Open Court (ft.) § 406	6 ft. wide min.	n/a	3.5 ft.	2.5 ft., and Creating a new nonconformity
Open Court (ft.) § 406	6 ft. wide min.	5 ft.	5 ft.	Extend an existing nonconformity

¹ Information provided by Applicant.

The proposed addition would be separated into three portions. The front and rear portions would be increased to a matter of right height of 35 feet while the middle portion would be increased to 36.75 feet which is below the 40 feet allowed by special exception. The addition would also extend the 5 foot court at the rear and create another 3.5 foot wide court where a minimum court width of 6 feet is required. The demolition of the two-story rear porch would reduce the nonconforming lot occupancy from 73.8% to 70%.

V. OP ANALYSIS

(A) Special exception pursuant to § 223:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Single-family row dwellings are a permitted use in this zone. The Applicant is requesting special exception review under § 223 from the requirements of §§ 406 and 2001.3.

223.2 The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

On the east side, the addition would be separated from 648 F Street, NW, by a 5-foot wide open court to the rear. This is an existing 5-foot wide court which would be extended. At the front, the addition would have a 3.5-foot open court to provide separation between the buildings and accommodate stairs to the roof top. There would be no openings adjacent to 652 F Street. The existing rear porch would be removed and the addition would not extend beyond the front or rear of the adjacent properties. The Applicant has provided sun studies, Exhibit 32, which demonstrates that generally there would be some shadows on the roof of 648 F Street in the mornings and on 652 F Street in the evenings. The shadows would be cast on the roofs of the adjacent buildings and some portions of the buildings that have no windows. Therefore, the addition would only minimally affect the light to the adjacent properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The addition would be above the height of the adjacent buildings. On the west side, the walls with windows along the courts would be exposed. However, the windows would be placed high to allow light and air into the addition but restrict views into the adjacent property. On the east side, the

proposed addition would have no windows. The roof decks would allow some views into the rear yards of the adjacent properties but generally the views would be of other roof as shown in Exhibit 29. Therefore, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The addition would be setback 7.58 feet from the front of the house. The Applicant has provided sight lines, Exhibit 31, showing views of the addition as seen from various locations on the north and south side of F Street, NE. The sight lines show that although the addition would be setback, the upper portions of the addition would be visible in some instances. However, it would not substantially intrude on the scale and character along the street. The Applicant is proposing to use materials (longboard metal siding and aluminum clad casement windows) that although different from the brick on the lower portions of the building are complementary and residential in character. It is also complementary to other rear additions in the area. As viewed from the alley, the proposed addition should not visually intrude upon the character, scale and pattern of houses along the public alley.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant provided sufficient information, including plans, photographs, and elevations, to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The lot occupancy is currently at 73.8%. However, with the demolition of the two-story porch, the lot occupancy would be reduced to 70%.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The house would continue to be used as a single family residence and would not permit the introduction of a nonconforming use if the requested special exceptions are approved.

(B) Special exception review pursuant to § 400.23:

400.23 In an R-4 Zone District, a building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception, under § 3104, subject to the following conditions, except that if the building is being converted to an apartment house, special exception relief from the thirty-five foot (35 ft.) height limitation is only available pursuant to §§ 336 or 337 as applicable:

(a) *The applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(1) *The light and air available to neighboring properties shall not be unduly affected;*

(2) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed third floor addition would extend above the roof of both adjacent properties and would not extend beyond the front or rear of the adjacent properties. Additionally, on the front and rear portions of the building's west side, the addition would be setback. Therefore, the addition would only minimally affect the light to the adjacent properties.

The windows on the west side would be placed high to allow light and air into the addition but would restrict views into the adjacent property. On the east side, the proposed addition would have no windows. The roof deck would be on the middle and rear portions of the addition and would allow minimal views into the rear yards of the adjacent properties but would not unduly compromise the privacy of use and enjoyment of the properties.

(3) *An addition shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;*

The addition would not affect a chimney or external vent to the adjacent properties as there are none. The chimney on the west side of the property would be in its existing position but is dormant. The chimney to the rear would be extended to the addition but would not affect the adjacent properties.

(4) *An addition shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and*

There is not a solar system on the adjacent properties.

- (5) *The resulting building or structure height, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;*

The addition would be setback 7.58 feet from the front of the house and would only be minimally visible from F Street, NE. The materials to be used would be complementary to other additions in the square. As viewed from the alley, the proposed addition should not visually intrude upon the character, scale and pattern of houses along the public alley.

- (b) *The applicant shall demonstrate that overall building or structure height or an upper addition resulting from the additional five feet (5 ft.) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features; and*

None of the existing architectural features of the house would be removed.

- (c) *In demonstrating compliance with §§ 400.23(a) and (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways.*

The Applicant provided sufficient information, including plans, photographs, and elevations, to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

VI. COMMUNITY COMMENTS

The subject property is within ANC-6C which voted on December 9, 2015 to support the requested special exceptions. Letters of support were also provided by the adjoining property owners at 648 F Street, NE and 652 F Street, NE as well as other neighbors.